

S. R. No. 505—By Senator Herring: Extending welcome to students and teacher of Wm. B. Travis High School of Austin.

#### Memorial Resolution

S. R. No. 497—By Senator Watson: Memorial resolution for George Cowden.

#### Recess

Senator Owen moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Senator Strong moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn until 10:30 o'clock a.m. tomorrow, the motion was lost.

Question recurring on the motion to recess until 10:30 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 12:08 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

#### SIXTY-SIXTH DAY

(Continued)

(Wednesday, May 8, 1963)

#### After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 48 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conference Committee:

Fairchild, Chm., Slider, Crews, Butler and Fondren.

H. J. R. No. 12, Proposing an

amendment to the Constitution of the State of Texas.

H. J. R. No. 30, Proposing an amendment to Article III of the Constitution of Texas, relating to apportionment of the State into Congressional Districts.

H. C. R. No. 50, Authorizing and directing the State Board of Control to accept for and on behalf of the State of Texas, the transfer from the General Services Administration of the United States Government of approximately one hundred forty-two (142) acres of land adjacent to the De Zavala Cemetery and burial plot of Lorenzo De Zavala to be retained by the State as a monument site and a protective area.

The House has concurred in Senate amendments to House Bill No. 68 by non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 152, To the Committee on Labor and Management Relations.

H. B. No. 394, To the Committee on Banking.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 17, Granting Socony Mobil Oil Company permission to sue the State.

S. C. R. No. 29, Dedicating to the City of Austin for street purposes certain land belonging to the State of Texas.

S. C. R. No. 62, In memory of Mrs. Maud Gage Sterling.

S. C. R. No. 64, Resolution in memory of James P. (Jake) Hamblen, Houston businessman.

#### House Bill 206 on Second Reading

The President laid before the Senate as unfinished business on its second reading and passage to third read-

ing H. B. No. 206 (the bill having been read the second time on Thursday, May 2, 1963).

Question—Shall H. B. No. 206 be passed to third reading?

Senator Owen offered the following amendment to the bill:

Amend House Bill No. 206, Section 1, as follows:

In line 26 of the printed bill, change "five (5) times" to "two (2) times" and insert after the word "allowable" the following: "or upon application to the Commission where there is shown to exist, or there is threatened and unforeseen an emergency requiring an increase in the demand for such gas from such reservoir which cannot otherwise be satisfied from such reservoir, then such wells, under such application, may be produced as herein authorized but not in excess of four (4) times each of said well's monthly allowable;"

The amendment was read.

Senator Strong offered the following substitute for the pending amendment by Senator Owen:

Amend House Bill No. 206 as follows:

In line 26 of the printed bill, change "five (5) times" to "two (2) times" and delete from line 26 on page 1 of the printed bill the word "or" and insert in lieu thereof the following: "except that when by application to the Commission there is shown to exist an unforeseen emergency increase in the demand for gas from such reservoir which cannot be satisfied by production permitted from the wells in such reservoir, the Commission may permit by order any well to over-produce not to exceed five times its monthly allowable during any one month, provided that no well shall be permitted".

The substitute for the pending amendment was read.

Senator Owen moved to table the substitute by Senator Strong.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table the substitute prevailed by the following vote:

Yeas—18

Aikin	Calhoun
Bates	Colson

Creighton	Parkhouse
Crump	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Rogers
Moore	Watson
Owen	Word

Nays—12

Blanchard	Krueger
Cole	Moffett
Dies	Patman
Herring	Schwartz
Kazen	Spears
Kennard	Strong

Present—Not Voting

Hazlewood

Question recurring on the amendment by Senator Owen, the amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on the passage of H. B. No. 206 to third reading, Yeas and Nays were demanded.

H. B. No. 206, as amended, was passed to third reading by the following vote:

Yeas—26

Aikin	Herring
Bates	Kazen
Blanchard	Krueger
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Watson
Hazlewood	Word

Nays—5

Kennard	Spears
Moffett	Strong
Patman	

#### House Bill 206 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 206 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Kazen
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Watson
Hazlewood	Word
Herring	

## Nays—4

Kennard	Spears
Patman	Strong

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Votes

Senators Patman, Strong, Kennard, Blanchard and Krueger asked to be recorded as voting "Nay" on the final passage of H. B. No. 206.

## Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 499, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Creighton by unanimous consent submitted the following reports:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to which was referred H. B. No. 482, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
May 1, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 713, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

## Senate Bill 499 Ordered Not Printed

On motion of Senator Richter and by unanimous consent S. B. No. 499 was ordered not printed.

## House Bill 482 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 482 was ordered not printed.

House Joint Resolution 22 on  
Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 22, Proposing an amendment to Article III of the Constitution of the State of Texas relative to Student Loans Fund.

The resolution was read second time.

Senator Aikin offered the following amendment to the resolution:

Amend H. J. R. No. 22 by adding the following after the word "colleges" in line 30 the following: "fully accredited."

The amendment was adopted.

Senator Aikin offered the following amendment to the resolution:

Amend H. J. R. No. 22 by adding after the word "colleges" in line 29 the following: "fully accredited."

The amendment was adopted.

Senator Aikin offered the following amendment to the resolution:

Amend H. J. R. No. 22 by adding the following after the word "of" in line 29: "fully accredited."

The amendment was adopted.

(Senator Owen in the Chair.)

On motion of Senator Patman and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

(President in the Chair.)

On motion of Senator Patman and by unanimous consent H. J. R. No. 22 was Laid on the Table Subject to Call.

Question: Shall H. J. R. No. 22 be passed to third reading?

**Committee Substitute House Bill 161 on Second Reading**

Senator Krueger asked unanimous consent to suspend the regular order of business to take up C. S. H. B. No. 161 for consideration at this time.

There was objection.

Senator Krueger then moved to suspend the regular order of business and take up C. S. H. B. No. 161 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—25**

Alkin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Richter
Hall	Spears
Hardeman	Strong
Hazlewood	Watson
Herring	Word
Kazen	

**Nays—5**

Cole	Rogers
Harrington	Schwartz
Moore	

**Absent**

**Reagan**

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 161, A Bill to be entitled "An Act authorizing the Game and Fish Commission to issue permits for the taking, carrying away or disturbing of marl, gravel, sand,

shells or mudshell under certain conditions; directing the Parks and Wildlife Commission to take into consideration the industrial requirements of the state as well as any injurious effect to oysters, oyster beds and fish inhabiting waters; requiring findings of fact in orders on applications for permit; authorizing the Parks and Wildlife Commission to remove and replant oysters; defining the rights of state oil and gas lessees; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend the Committee substitute for House Bill No. 161 as follows:

Strike all of the language following the enacting clause and substitute in lieu thereof, the following:

Section 1. Article 4053 of the Revised Civil Statutes of the State of Texas is hereby amended so as to hereafter read as follows:

"Art. 4053—Permit to use marl, etc.

"Sec. 1. Anyone desiring to purchase any of the marl and sand of commercial value and any of the gravel, shells or mudshell included within the provisions of this chapter, or otherwise operate in any of the waters or upon any island, reef, bar, lake, bay, river, creek or bayou included in this chapter, shall first make written application therefor to the Parks and Wildlife Commission, designating the limits of the territory in which such person desires to operate. If the Parks and Wildlife Commission finds that the taking, carrying away or disturbing of the marl, gravel, sand, shells or mudshell in the designated territory would not damage or injuriously affect any oysters, oyster beds, fish inhabiting waters thereof or adjacent thereto or that such operation would not damage or injuriously affect any island, reef, bar, channel, river, creek or bayou used for frequent or occasional navigation, or change or otherwise injuriously affect any current that would affect navigation, it may issue a permit to such person after such applicant shall have complied with all requirements prescribed by said Parks and Wildlife Commission. The permit shall authorize the ap-

plicant to take, carry away or otherwise operate within the limits of such territory as may be designated therein, and for such substance or purpose only as may be named in the permit and upon the terms and conditions of the permit. No permit shall be assignable, and a failure or refusal by the holder to comply with the terms and conditions of such permit shall operate as an immediate termination and revocation of all rights conferred therein or claimed thereunder. No special privileges or exclusive right shall be granted to any person, association of persons, corporate or otherwise, to take or carry away any of such products from any territory or to otherwise operate in or upon any island, reef, bay, lake, river, creek, or bayou included in this chapter.

"Sec. 2. In determining whether or not such permit shall be issued, the Parks and Wildlife Commission shall take into consideration any injurious effect which might occur to any oysters, oyster beds, fish inhabiting waters thereof or adjacent thereto, as well as the requirements of industry for such marl, sand, gravel, shells or mudshell and the relative value thereof to the State of Texas for commercial use.

"Sec. 3. In any order of the Commission issued denying an application for a permit, the Commission shall set forth full and complete findings of fact pointing out in detail the basis of its action.

"Sec. 4. In carrying out its duties under the provisions of this Act, the Parks and Wildlife Commission shall be authorized, after due notice and hearing, to remove oysters or oyster beds and replant the same on other natural or artificially constructed reefs; provided, that before any action is taken pursuant to this section, there shall be a finding by the Commission that such removal and replanting will be of benefit to the growth and propagation or betterment of oysters or oyster beds or fishing conditions and provided further that any such removal and replanting shall be done at the expense of the applicant for permit and not the State of Texas.

"Sec. 5. Nothing in this Chapter shall be construed to require any lessee of an oil and gas lease, which has heretofore or may hereafter be executed by the State, to obtain a

permit from the Parks and Wildlife Commission to exercise the rights granted said lessee under said lease and the provisions of the applicable laws of the State of Texas."

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 3. The fact that the present provisions of Article 4053 do not clearly define the authority of the Parks and Wildlife Commission to take into consideration and requirements of industry for marl, sand, gravel, shells or mudshell in the issuance of its permits for the removal thereof creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended; and that such Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Question—Shall the amendment by Senator Schwartz be adopted?

#### Notice for Local and Uncontested Bills Session

On motion of Senator Calhoun and by unanimous consent, the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Thursday, May 9th, 1963, at 9:30 o'clock a.m.

#### Recess

Senator Calhoun moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Senator Strong moved that the Senate stand recessed until 9:30 o'clock a.m. tomorrow.

Senator Krueger moved that the Senate stand adjourned until 9:30 o'clock a.m. tomorrow.

Question first on the motion by Senator Krueger to stand adjourned until 9:30 o'clock a.m. tomorrow, the motion was lost.

Question next on the motion by Senator Strong to stand recessed until 9:30 o'clock a.m. tomorrow, the motion was lost.

Question next on the motion of Senator Calhoun to stand recessed until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 11:58 o'clock a.m. took recess until 2:00 o'clock p.m. today.

#### After Recess

Senator Creighton called the Senate to order at 2:00 o'clock p.m. today.

#### Notice of Executive Session

Senator Aikin gave notice that Senator Herring would on tomorrow move for an Executive Session following the session for the Local and Uncontested Bills Calendar.

#### Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 504, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 503, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 7, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water

and Conservation, to whom was referred S. B. No. 502, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 67, Texas be represented at New York World's Fair.

S. B. No. 223, A bill to be entitled "An Act amending the Texas Workmen's Compensation Insurance Laws of this State by amending Section 3 of Article 8306, revised Civil Statutes of 1925, as amended; providing a saving clause; and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act to establish and adopt a Code of Criminal Procedure for the State of Texas by revising and rearranging the statutes of this State which pertain to the trial of criminal cases; and by making various changes in, omissions from, and additions to such statutes; defining the meaning of certain words and terms used in the Code; and fixing the effective date of the Code; validating certain proceedings had under existing and prior statutes; repealing statutes and all laws or parts of laws in conflict with the Code; containing a severability clause; and declaring an emergency."

(With amendments.)

S. B. No. 2, A bill to be entitled "An Act creating and establishing Angelo State College at San Angelo, Texas, as a coeducational institution of higher learning, providing that the organization, management and control of said College shall be vested in the Board of Regents of the State Teachers Colleges; etc.; and declaring an emergency."

S. B. No. 105, A bill to be entitled "An Act amending Chapter 498, Acts of the 55th Legislature, Regular Ses-

sion, 1957, codified as Article 1725, Vernon's Texas Penal Code, by amending paragraph D of Section 5 fixing the date for payment of annual license fee."

(With amendments.)

S. B. No. 132, A bill to be entitled "An Act relating to registration of voters; amending the Election Code or the State of Texas to provide a general registration system for all voters in all elections, conditioned upon the adoption of an amendment to the Constitution of the State of Texas abolishing payment of the poll tax as a prerequisite for voting and authorizing the enactment of a general registration law; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 7, A bill to be entitled "An Act creating Pan American College as a state supported institution of higher education; providing for its management and administration; providing that General Laws affecting other state institutions of higher learning and not in conflict with this Act shall apply to Pan American College; repealing laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 265, A bill to be entitled "An Act amending subdivision (b) of Section 13 of Senate Bill 5, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (b) of Section 13 of Article 3912e, Vernon's Civil Statutes; repealing subdivision (a) of Section 15 of Senate Bill 5, Acts of the 44th Legislature, Second Called Session, 1935, Chapter 465, as amended, codified in Vernon's as subdivision (a) of Section 15 of Article 3912e, Vernon's Civil Statutes; providing for apportionments from the State to counties in which there is a criminal district attorney performing the duties of a district attorney and making other provisions relating thereto; providing the provisions of this Act shall also apply to Harris County; providing a severability clause, and declaring an emergency."

S. B. No. 303, A bill to be entitled "An Act to amend sub-section (2) of Section 3 of the Airport Zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, Page

784 (compiled as sub-section (2) of Article 46e-3 of Vernon's Texas Civil Statutes), as amended by Chapter 323, Acts of the 57th Legislature, 1961, to expressly empower any political subdivision having more than 800,000 inhabitants, according to the last preceding Federal Census, wherein such political subdivision has located within its territorial limits an airport owned or controlled by such political subdivision and there exists an airport hazard area appertaining to such airport located outside of the territorial limits of said political subdivision owning or controlling the airport to promulgate, administer, and enforce airport zoning rules, regulations and ordinances limiting the height of structures and objects of natural growth, and otherwise regulating the use of property under the provisions of the Airport Zoning Act within a five mile radius of the airport reference point of such airport; and declaring an emergency."

(With amendments.)

S. B. No. 356, A bill to be entitled "An Act amending Acts of the Fifty-third Legislature, 1953, Regular Session, Chapter 266, Page 691, as amended, codified as Article 4494-n, Vernon's Civil Statutes of Texas, as amended, by adding another section, Section 5b, more specifically expressing certain existing powers of hospital districts created under said Article 4494-n and also granting additional and cumulative powers to such hospital districts; providing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 290, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 94, Acts of the 56th Legislature, by the addition thereto of a new section to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency."

S. B. No. 305, A bill to be entitled "An Act to amend subsection a. of Section 1(4) in Article III of Senate Bill 116, Chapter 334, Acts 51st Leg-

islature, Regular Session 1949, as last amended in Section 1 of Senate Bill 70, Chapter 386, Acts 55th Legislature, Regular Session 1957 (Article 2922-13, Sec. 1(4)a, V.T.C.S.), to increase the age eligibility for exceptional children program benefits; providing for an effective date of this Act; and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act to provide for the abolishment of the offices of the Ex-officio County School Superintendent and the County Board of Education in all counties of this State who now has or may hereafter have no Common School District and only one Independent School District; providing that all of the duties of Ex-Officio School Superintendent and the County Board of Education be vested in the President of the Board of Trustees of such Independent School District and in the Superintendent of such district, except as for transfers of students in other counties, which shall remain the duty of the County Judge; providing the Commissioners Court shall receive, pass upon all petitions for the calling of elections to create new school district; providing the mechanics for the transfer of any records of funds remaining on hand after the effective date of this act; and providing certain terms and conditions."

S. B. No. 302, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utilities Fund, and the Liquified Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission Operating Fund; providing that moneys collected for the purposes for which said Funds were created be deposited in the State Treasury to the credit of the Railroad Commission Operating Fund; designating purposes for which such moneys may be used; providing for disposition of money collected for sale of property purchased out of said Funds; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present Fund expenditures; providing for an effective date of this Act."

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 4 of the Insurance Code (Acts 1951, 52nd Leg.,

Ch. 491, as amended) by adding thereto a new article to be designated Art. 4.08, relating to escheat and unclaimed funds; providing that said Article shall be known as the "Unclaimed Funds Statute for Life Insurance Companies"; etc., and declaring an emergency."

S. B. No. 389, A bill to be entitled "An Act setting standard fees for directors of river authorities created by the Legislature; providing for their expenses; providing for authorization and method of payment; repealing laws in conflict; and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act amending statutes; prohibiting the School Land Board from leasing any river beds or channels with one permissible exception; providing that any valid provisions shall not affect any other provisions; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act amending Section 7 of Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, relating to workmen's compensation law applicable to employees of Texas Technological College, so as to adopt certain amendments and sections of the general law contained in Articles 8306, 8307 and 8309, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931 (compiled as Article 8306a of Vernon's Texas Civil Statutes), as amended; providing for incorporation of future amendments; providing for severability; and declaring an emergency."

S. B. No. 239, A bill to be entitled "An Act to amend Sections 15 and 16 of Chapter 514, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Article 678m, Vernon's Texas Civil Statutes), providing for the acquisition of lands upon which are located historic and prehistoric sites and other historical features by the State Building Commission, allowing certification or authentication by the Texas State Historical Survey Committee, authorizing the erection and maintenance of historic monuments or memorials, the locating and marking of graves of former Texas heroes, the maintenance of monuments and memorials erected by the State of Texas to commemorate the Centenary of Texas Independence; repealing



all laws in conflict; and declaring an emergency."

S. B. No. 421, A bill to be entitled "An Act providing for the licensing and regulation of the business of selling, issuing or delivering checks, drafts, and money orders as a service or for a fee or other consideration; providing for the administration of this Act by the Commissioner of the State Banking Department; providing for the bonding of licensees; prescribing the liability of licensees on checks sold; providing penalties for violations of this Act; providing for severability; and declaring an emergency."

(With amendments.)

S. B. No. 240, A bill to be entitled "An Act amending Sections 9 and 12 of Chapter 500, Acts of the 55th Legislature, 1957 (compiled as Sections 9 and 12 of Article 6145, Vernon's Texas Civil Statutes); providing for duties of the Texas State Historical Survey Committee; and declaring an emergency."

S. B. No. 229, A bill to be entitled "An Act to amend Section 3 of Senate Bill No. 251, Acts of the 57th Legislature, Regular Session, 1961, as amended, so as to modify the requirements for abolishing such districts and declaring an emergency."

S. B. No. 127, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 121st Judicial District of Texas; and declaring an emergency."

S. B. No. 433, A bill to be entitled "An Act providing for the election of school trustees by separate positions in certain independent school districts; providing that when the Board of Trustees adopts the procedure herein it may not rescind such action; repealing all laws in conflict except statutes providing for election of school trustees by position and number; and declaring an emergency."

(With amendments.)

S. B. No. 238, A bill to be entitled "An Act making it unlawful for anyone, not being the owner thereof, and without lawful authority, to wilfully injure, disfigure, remove or destroy any historical structure, monument,

marker, medallion, or artifact; providing penalties; providing a severability clause; and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to convey and transfer to the Texas Forest Service, a part of the Texas Agricultural and Mechanical College System, certain land in Cherokee County, Texas; and declaring an emergency."

S. B. No. 246, A bill to be entitled "An Act providing the minimum and maximum salaries of the official shorthand reporter for the 106th Judicial District of Texas; providing a saving clause; and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act relating to the official shorthand reporters of the Tenth, Fifty-second Judicial Districts of Texas; re-enacting and amending Acts of the 55th Legislature, 2nd Called Session, 1957, Chapter 12, by fixing the maximum and minimum salary and method of determining same, and by fixing the fee for transcript; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising certain territory contained in Hill County, Texas, to be known as 'City of Hillsboro Water and Sewer Authority,' etc., and declaring an emergency."

(With amendments.)

S. B. No. 456, A bill to be entitled "An Act transferring the sum of five thousand dollars from item five set out in the appropriation to the Texas Liquor Control Board for the year ending August 31, 1963, as set out in Senate Bill No. 1 enacted by the First Called Session of the 57th Legislature, to item nine set out in said appropriation to the Texas Liquor Control Board for the year ending August 31, 1963, to be used for the purchase of licenses, permits and tax stamps during the year 1963 and declaring an emergency."

S. B. No. 474, A bill to be entitled "An Act amending Chapter 418, page 766, Acts of the 52nd Legislature, 1951 (codified by Vernon as Article

8280-146), relating to Brookshire Municipal Water District, by adding thereto a section permitting the addition and annexation of land to said District in accordance with general law; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to acquire by purchase or otherwise for the use and benefit of The University of Texas Medical Branch certain properties in the City of Galveston, Galveston County, Texas; providing the method of payment; provisions relating to the existing power of eminent domain of the Board of Regents to acquire land for the use of The University of Texas Medical Branch; exempting the Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas; and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act giving any drainage district in Hidalgo and Cameron Counties, in this state, heretofore or hereafter organized under provision Section 52, Article III, Constitution of Texas, which district has heretofore or shall hereafter be converted into a conservation or reclamation district under Section 59, Article XVI, Constitution of Texas, the right to enter into contracts for the construction of improvements with the Government of the United States of America or any agency or instrumentality thereof, providing that it may then execute contracts and providing for payment of obligations incurred thereunder by providing a severability clause; repealing conflicting laws; and declaring an emergency."

(With amendments.)

S. B. No. 469, A bill to be entitled "An Act creating within the State of Texas, in addition to the districts into which the State has heretofore been divided, a port district to be known as the Port of Port Arthur Navigation District of Jefferson County, Texas, situated in Jefferson County, Texas; etc., and declaring an emergency."

(With amendments.)

S. B. No. 299, A bill to be entitled "An Act creating 'Aransas County Conservation and Reclamation District' under the provisions of Section

59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; etc., and declaring an emergency."

(With amendments.)

S. B. No. 314, A bill to be entitled "An Act providing for fixing the compensation of the District Judge of the 109th Judicial District, amending Article 6819a-12a, Vernon's Texas Civil Statutes, as amended, amending Section 1 of Chapter 4, Acts of the 56th Legislature, 3rd Called Session, 1959, to provide for a limitation on the amount of the annual compensation, and providing that the compensation shall be within the discretion of the Commissioners' Court of each county; and declaring an emergency."

(With amendments.)

S. B. No. 459, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of official shorthand reporters for the District Courts of the Ninety-Second, Ninety-Third and One Hundred Thirty-Ninth Judicial Districts of Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

(With amendments.)

S. B. No. 170, A bill to be entitled "An Act amending Section 1 of Chapter 103, Acts of the 57th Legislature, Regular Session, 1961, so as to provide that said law will become effective upon the adoption of Article IX, Section 11, as a part of the Constitution of the State of Texas; validating proceedings heretofore had in connection with the creation and establishment of such districts; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 507 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Crump:

S. B. No. 507, A bill to be entitled "An Act relating to deer in San Saba

County; and declaring an emergency." To the Committee on Game and Fish.

(President in the Chair.)

#### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 500, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to which was referred S. B. No. 507, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senator Crump by unanimous consent submitted the following reports:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 501, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 505, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 438, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 380, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of the 43rd Legislature, First Called Session, 1933, as amended (compiled as Article 28a, Vernon's Texas Civil Statutes), to provide that weekly newspaper shall be allowed to miss two (2) publication issues in twelve (12) months and still retain their status as newspapers eligible to publish legal notices of every kind; and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act to provide for temporary emergency interim succession to state and local public offices, except those of Governor and members of the Legislature, in order to assure continuity of government in periods of emergency caused by attack upon the United States; providing for severability; and declaring an emergency."

H. B. No. 42, A bill to be entitled "An Act amending certain sections of the Securities Act, Senate Bill No. 294, Chapter 269, 55th Legislature, and codified as Articles 581-1, to 581-39, Vernon's Annotated Civil Statutes of 1925, as amended, by amending Subsections E, G, H, I, and O of Section 5; by adding a new Subsection R to Section 5; by adding a new Subsection D to Section 7; by amending Subsection B of Section 9; by amending Section 13; by adding a new Subsection G to Section 14; by repealing Subsection G of Section 29; and by amending Section 33; provid-

ing for severability; saving pending proceedings; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid District Judges from the county funds by counties having a population of not less than six hundred thousand (600,000) nor more than eight hundred thousand (800,000), according to the last preceding Federal Census, and having eight (8) or more District Courts; providing the time and method of payment; authorizing the amendment of the county budget; providing this Act is cumulative of existing laws; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act changing the name of the Agricultural and Mechanical College of Texas to Texas A&M University; changing the name of the Texas Agricultural and Mechanical College System to the Texas A&M University System; and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended; Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in subsection (d) of Section 4 providing for benefit eligibility conditions; providing for an effective date for this Act; and declaring an emergency."

H. C. R. No. 77, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 565.

H. C. R. No. 78, Inviting visitors to International Good Neighbor Commission to address a Joint Session of the Legislature.

H. C. R. No. 79, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 694.

#### Senate Bill 508 on First Reading

Senator Calhoun moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moffett
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word

#### Absent

Kennard	Owen
Moore	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Calhoun:

S. B. No. 508, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Wood County, Texas; describing the manner of sale and disposition of proceeds; reserving to the State of Texas certain portions of the oil, gas, and other minerals in and under said lands or that may be produced therefrom, together with all bonuses, rents or royalties derived therefrom providing for the leasing of said minerals; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Reports of Standing Committees

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 508, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,  
May 8, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 56, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

#### Senate Bill 500 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent S. B. No. 500 was ordered not printed.

#### House Bill 713 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 713 was ordered not printed.

#### Senate Bill 507 Ordered Not Printed

On motion of Senator Crump and by unanimous consent S. B. No. 507 was ordered not printed.

#### Senate Concurrent Resolution 70

Senator Cole by unanimous consent offered the following resolution:

S. C. R. No. 70, Providing that the Legislative Council make a study of the blind in Texas.

Whereas, Providing adequate and effective services and assistance to the citizens of Texas handicapped by blindness, with the objective of enabling them to achieve lives as normal, useful and happy as their capabilities and aptitudes permit, continues to be a major concern of the Legislature and of those charged with administering the state's program in this area; and

Whereas, Based on the 1960 population of Texas and the widely accepted estimate that there are 2.29 blind persons per 1,000 population, it is probable that there are now more than 21,000 such persons in the state; and

Whereas, It is to the best interests of these persons, as well as of the state, the community and society as a whole, that they be rehabilitated and assisted to achieve the greatest possible degree of economic and social independence, rather than remaining dependent because of their visual handicaps; and

Whereas, The blind client seeking assistance and rehabilitation is often confused because of the multiplicity of agencies, both public and private, working in this area, many of them offering the same or similar services; and

Whereas, Among the state agencies with programs in this area are the State Commission for the Blind, the Texas Department of Public Welfare, the Texas Employment Commission, the Texas Education Agency and the Texas State Library; and

Whereas, In addition, private hospitals, voluntary private agencies, denominational groups, Braille publishers, guide dog schools, and national organizations such as the National Council to Combat Blindness, Inc., offer various forms of service and assistance to the blind; now, therefore, be it

Resolved, by the Senate of the 58th Legislature of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of programs designed to assist, provide services for and rehabilitate the blind in Texas, including consideration of the number of blind persons in the state; principal problems of the blind; the work of the State Commission for the Blind and its efficiency and effectiveness; current efforts in the area of prevention of blindness; and rehabilitation, placement and employment programs for the blind; and be it further

Resolved, That the Council receive assistance in this study from a ten-member Citizens Advisory Commission, to be appointed by the chairman of the Council and composed of the following: (a) two (2) persons from industry, one representing a business employing twenty (20) or fewer persons and one from a business employing five hundred (500) or more persons, (b) a representative of organized labor, (c) a representative of elementary and secondary education, (d) a representative of higher education, (e) an executive director of a Texas Lighthouse for the Blind, (f) a blind person who has had experience in vending stand operation, (g) a blind person who has had successful business experience other than a vending stand operation, (h) an ophthalmologist, and (i) a person who has had long experience and training in rehabilitation work; and be it further

Resolved, That the Texas Commission for the Blind, the Texas Department of Public Welfare, the Texas Employment Commission, the Texas Education Agency, the Texas State Library and all other state agencies providing services or assistance to the blind in any way be instructed to provide such information as may be requested and to cooperate with the Council and the Citizens Advisory Commission in the conduct of this study; and be it further

Resolved, That the Council report its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 59th Legislature.

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 69

Senator Parkhouse by unanimous consent offered the following resolution:

S. C. R. No. 69, Extending congratulations to citizens of Carrollton on celebration of Fiftieth Anniversary.

Whereas, The City of Carrollton in Dallas County will celebrate the 50th anniversary of its incorporation in June, 1963, having achieved corporate status by a vote of its citizens on June 12, 1913; and

Whereas, The occasion will be marked by a day of festivities on June 12, 1963, which will include a parade, a flower show, an awards program, and dedication of a new Community Civic Center containing a library, gymnasium and other facilities; and

Whereas, Governor John Connally will attend the celebration as an honor guest and to participate in the dedication of the Community Center and in ground-breaking ceremonies for a new national industry; and

Whereas, Carrollton, which has a colorful history dating back to the 1840's, is now a city of more than 7,000 people and is the site of much industry, being headquarters for the Otis Engineering Company and having products from the plants, such as Glidden Paint Company, Missile Systems and Inca Metal Products, distributed nationally; and

Whereas, One of the early recorded

incidents in the history of the area was the death of Hamp Rattin, brother-in-law of Governor J. W. Throckmorton, in an Indian fight in 1841; and

Whereas, The first settlers at the present site, who moved there from a location where the Farmers Branch Elementary School now stands after a particularly severe Indian raid, were originally from Carrollton, Illinois, and decided to give the same name to their new settlement; and

Whereas, In the early days, there was a deep spring where Carrollton Square is now located, and the site of the new Civic Center was a favorite camping ground for Indians and later for gypsies who frequently visited the area; and

Whereas, Carrolltons' Union Missionary Baptist Church, the oldest in the North Texas area, was founded by the Reverend David Myers in 1846; and

Whereas, In 1848, the Jackson family came from England to live there, and a book written by their son George in 1908, entitled "Sixty Years in Texas," depicts the early days in Carrollton and Dallas County and is now in the State Archives in Austin; and

Whereas, The first school was built in 1856, the first telephone in the area went into use in 1890, and the newspaper, the Carrollton Chronicle, was established in 1904; and

Whereas, The Missouri-Kansas & Texas Railroad reached Carrollton in 1881, the Cotton Belt in 1903 and the Frisco in 1908, providing excellent rail service to the thriving city; and

Whereas, Electricity first became available to Carrollton in 1913, when a privately owned power plant began operation, eventually, beginning in 1924, Texas Power and Light Company provided service; and

Whereas, From the first so-called public school, Carrollton Academy, established in 1880, the area's educational system has grown to five elementary schools, two junior high schools and a new senior high school comprising the Carrollton-Farmers Branch Independent School District, which serves 5,000 students; and

Whereas, Mayor R. J. McInnish; F. Patrick Whelan, president of the Carrollton Chamber of Commerce; Nick Sindik of the Times-Chronicle Publishing Company and other civic and community leaders are planning and working diligently to make the anniversary celebration a memorable

occasion befitting the city's historic past and promising future; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the 58th Legislature extend heartiest congratulations to the City of Carrollton on the occasion of the 50th anniversary of its incorporation; and be it further

Resolved, That an enrolled copy of this resolution be forwarded to Mayor R. J. McInnish of Carrollton with good wishes for a most successful anniversary observance and for another half-century of growth and progress.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Bill 509 on First Reading

Senator Patman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Blanchard	Kennard
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Patman:

S. B. No. 509, A bill to be entitled "An Act authorizing a portion of the sum of One Hundred Thousand Dollars (\$100,000) in Item 12(b) of the appropriation out of the Special Game

and Fish Fund in Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, to be expended for the repair and rehabilitation of the Lavaca Bay Causeway Fishing Pier; and declaring an emergency."

To the Committee on Finance.

(Senator Creighton in the Chair.)

#### Committee Substitute

#### House Bill 161 on Second Reading

The Senate resumed the consideration of the pending business (same being C. S. H. B. No. 161 on its second reading and passage to third reading with an amendment by Senator Schwartz pending).

Question—Shall the amendment by Senator Schwartz to C. S. H. B. No. 161 be adopted?

Senator Patman offered the following amendment to the pending amendment:

Amend the pending amendment to H. B. No. 161 by striking that portion of same which reads as follows:

"Sec. 5. Nothing in this chapter shall be construed to require any lessee of an oil and gas lease, which has heretofore or may hereafter be executed by the State, to obtain a permit from the Parks and Wildlife Commission to exercise the rights granted said lessee under said lease and the provisions of the applicable laws of the State of Texas."

The amendment was read.

Pending discussion by Senator Patman of his amendment, Senator Hardeman occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Patman of his amendment, Senator Calhoun occupied the Chair.

Question on adoption of the amendment by Senator Patman to the pending amendment by Senator Schwartz, Yeas and Nays were demanded.

The amendment was lost by the following vote:

Yeas—1

Patman

Nays—27

Aikin

Bates

Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

## Absent

Hall	Owen
Hazlewood	

Question recurring on the amendment by Senator Schwartz, the amendment was adopted.

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

C. S. H. B. No. 161 as amended was then passed to third reading.

**Committee Substitute  
House Bill 161 on Third Reading**

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 161 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Schwartz
Dies	Spears
Hardeman	Strong
Harrington	Watson
Herring	Word
Kazen	

## Nays—3

Moore	Rogers
Patman	

## Absent

Hall	Owen
Hazlewood	

The Presiding Officer then laid the bill before the Senate on its third reading.

The bill was read the third time.

Question on final passage of C. S. H. B. No. 161, Yeas and Nays were demanded.

C. S. H. B. No. 161 was passed by the following vote:

## Yeas—25

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Schwartz
Dies	Spears
Hardeman	Strong
Harrington	Watson
Herring	Word
Kazen	

## Nays—3

Moore	Rogers
Patman	

## Absent

Hall	Owen
Hazlewood	

(President in the Chair.)

## Senate Resolution 511

Senator Dies by unanimous consent offered the following resolution:

Whereas, The Texas Forestry Association will celebrate its Golden Anniversary in 1964; and

Whereas, This organization founded in 1914 pioneered the promotion of forest conservation in Texas and encouraged the fullest economic development and utilization of our forests and related resources; and

Whereas, The Texas Forestry Association has aided immeasurably in the restoration of the 11½ million acres of commercial forests—the State's major renewable resource—which supply the raw material to provide employment for thousands of Texans which, in turn, furnishes the lifeblood for a large segment of the Lone Star State's economy; and

Whereas, This half century anniversary of dedicated service to Texas and Texans will be climaxed at the



50th Annual Meeting of the Association in Houston, October 22-23, 1964; and

Whereas, The importance of this Golden Anniversary Meeting to the State of Texas and to the forest economy cannot be overemphasized; now, therefore, be it

Resolved, That the Senate of the State of Texas extend congratulations to the members of the Texas Forestry Association on the celebration of this Golden Anniversary; and be it further

Resolved, That copies of this Resolution be prepared and sent to each officer of the Texas Forestry Association as a token of our good wishes.

The resolution was read and was adopted.

#### House Bill and Resolutions on First Reading

The following bill and resolutions received from the House, were read the first time and referred to the committees indicated.

H. C. R. No. 50, To the Committee on State Affairs.

H. J. R. No. 30, To the Committee on Constitutional Amendments.

H. B. No. 850, To the Committee Transportation.

#### Conference Committee on House Bill 48

Senator Dies called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 48, and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly the President announced the appointment of the following as a committee on the part of the Senate:

Senators Dies, Bates, Creighton, Hall and Moore.

#### Committee Substitute House Bill 172 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its

second reading and passage to third reading:

C. S. H. B. No. 172, A bill to be entitled "An Act relating to Automobile Service Clubs; defining certain terms; providing for a deposit of security prior to doing business and the issuance of a certificate of authority upon the giving of such security; providing for annual renewal of certificate of authority; providing for registration of salesmen or agents and prescribing a fee therefor; providing for filing of information with the State Board of Insurance and an annual license fee to be paid to said Board; providing for revocation or suspension of licenses or certificates of authority; providing certain advertising limitations and certain exemptions; providing for regulations of service contracts; providing for all fees collected hereunder to be deposited in the General Revenue Fund; prohibiting solicitation for unauthorized automobile clubs; providing for penalties for violations of this Act; providing for severability; providing an effective date; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute for House Bill No. 172 by deleting therefrom the words "State Board of Insurance" where such words appear in the printed substitute on Line 26, Page 1; Line 60, Page 1; Line 1, Page 2; Lines 31 and 32, Page 3; and substituting in lieu thereof, the words, "Secretary of State."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute House Bill No. 172 by deleting therefrom Section 11, and substituting in lieu thereof the following: "Section 11. Fees. All Fees collected hereunder by the Board shall be deposited with the State Treasurer to the credit of the General Revenue Fund."

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Subsection (d) of Section 4 of Committee Substitute for House

Bill 172 so that such subsection shall read as follows:

(d) Proof of security having been deposited with the State or pledged by the Club in such form as the Board may prescribe in any of the following ways: The sum of Twenty-five Thousand (\$25,000) Dollars in cash or Twenty-five Thousand (\$25,000) Dollars in securities approved by the Board or in lieu thereof, a bond in such form as the Board may prescribe in the amount of Twenty-five Thousand (\$25,000) Dollars to the State of Texas and executed by a corporate surety licensed to do business in the State of Texas and conditioned upon the faithful performance in the selling or rendering of Automobile Club service and payment of any fines or penalties levied against it for failure to comply with the provisions of this Act; provided however, that the aggregate liability of the surety for all breaches of the conditions of the bond and for the payment of all fines and penalties of the conditions of the bond and for the payment of all fines and penalties shall, in no event, exceed the amount of said bond.

Upon filing of the application, certificates or security as above provided for, it shall be the duty of the Board within (15) days thereafter to issue or deny a certificate of authority to said Automobile Club. Failure to, of the Board, issue such certificate within said (15) day period shall entitle the applicant to a refund of all moneys and security deposited with the application. The deposit herein provided for shall thereafter be maintained so long as said Club shall have outstanding any liability or obligation in this State. Upon proper showing, to the satisfaction of the Board, that the Club has ceased to do business and that all liabilities and obligations of the Club have been satisfied, the Board is hereby authorized to return the security to the Club or to deliver the security in accordance with any order of a court of competent jurisdiction.

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 6 of Committee Substitute for House Bill 172 so that such Section shall read as follows:

Section 6. Registration of Salesmen or Agents. Each and every Auto-

mobile Club operating in this State pursuant to a certificate of authority issued hereunder shall within thirty (30) days of the date of employment, file with the Board a notice of appointment of salesmen or agents by an Automobile Club to sell memberships in the Automobile Club to the public. This notification shall be upon such form as the Board may prescribe and shall contain the name, address, age, sex and social security number of such salesman or agent, and also contain proof satisfactory to the Board that such applicant is of good moral character. Upon termination of any salesman's or agent's employment by an Automobile Club, such Automobile Club shall within thirty (30) days thereafter notify the Board of such termination. The registration fee for salesmen or agents of Automobile Clubs shall be Three (\$3.00) Dollars annually.

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 7 of Committee Substitute for the House Bill 172 so that such Section shall read as follows:

Section 7. Revocation of Suspension of Certificate. If the Board at any time for good cause shown, and after public hearing, shall determine that an Automobile Club has violated a provision of this Act, that it is not operating an Automobile Club as defined herein, that it is insolvent, that its assets are less than its liabilities, that it refuses to submit to an examination by the Board, that it is transacting business fraudulently, or that any owner, officer or operating manager is not of good moral character, it shall thereupon revoke or suspend its certificate of authority and shall give notice thereof to the public in such manner as it shall deem proper; provided however, that any person aggrieved by any decision to the Board shall have the right to appeal such decision to the District Court to the county of the aggrieved person's residence within sixty (60) days after the date of notice by registered mail of such decision but not thereafter.

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Committee Substitute for

H. B. No. 172 to change the amendments by Senator Herring to read "Secretary of State" wherever the word "Board" appears therein.

The amendment was adopted.

On motion of Senator Moore and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**Committee Substitute  
House Bill 172 on Third Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 172 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

**Absent**

Harrington	Owen
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Aikin in the Chair.)

**Senate Resolution 514**

Senator Watson offered the following resolution:

Whereas, Baylor University President Abner V. McCall has been chosen as one of eleven Americans to receive a Horatio Alger Award on May 15 in New York City; and

Whereas, The awards are based on

the "rags to riches" success stories of the fictional Horatio Alger novels of yesteryear, and winners are chosen by ballot of 3,000 campus leaders in 500 colleges and universities throughout the nation; and

Whereas, Kenneth J. Beebe, president of the non-profit awards committee, has said that "the awards are dedicated to the free enterprise system and the American tradition of equal opportunity which enables a youth to overcome humble beginnings and achieve success through hard work and determination"; and

Whereas, President McCall's life is indeed in the best tradition of the Horatio Alger stories; and

Whereas, Born at Perrin, Texas, he was only three when his father died; his mother farmed to provide for her four children until her health failed and they were placed in a Masonic home and school; and

Whereas, President McCall was graduated from the school as valedictorian of his class and won a scholarship to Baylor University, where he worked at various campus jobs and labored in the summers to help earn his college education; and

Whereas, After graduation from Baylor Law School, he scored the highest marks ever attained at the time on the Texas State Bar examination and went into law practice briefly with a classmate before accepting an offer to teach law at Baylor, earning his bachelor of arts degree in the process and later receiving a fellowship to the University of Michigan where he earned a master of laws degree; and

Whereas, During World War II, he served as a special agent of the Federal Bureau of Investigation and, after brief law practice, returned to Baylor Law School as a professor; and

Whereas, He became dean of the Baylor Law School in 1948 and during this period was also named to the Texas Supreme Court by former Governor Allan Shivers; and

Whereas, Appointed executive vice president of Baylor in charge of internal affairs in 1959, he was advanced to the presidency of that university in 1961; and

Whereas, He has actively participated in state, local and national politics, was recently elected president of the Waco School Board, and has devoted much time and money to char-

itable institutions and to helping the underprivileged; and

Whereas, President McCall married Frances Laura Bortle of Longview in 1940, and they are parents of four children, Anne (Mrs. George Schell), Bette Gail, Richard Vernon and Kathleen; and

Whereas, The Senate of the State of Texas wishes to pay tribute to the outstanding career of Abner V. McCall and to recognize the high honor which is being accorded him through this national award; now, therefore, be it

Resolved, That the Senate of the 58th Legislature of Texas congratulate President Abner V. McCall of Baylor University on being chosen one of eleven Americans to receive a Horatio Alger Award and commends him on the exemplary life and distinguished career which have won for him this richly deserved honor; and be it further

Resolved, That a copy of this resolution be sent to President McCall as an expression of our good wishes and as a token of our gratitude for his contributions to the State of Texas and its citizens.

WATSON  
WORD  
AIKIN  
COLSON

Signed—Lieutenant Governor Preston Smith; Bates, Blanchard, Calhoun, Cole, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong.

The resolution was read.

On motion of Senator Watson and by unanimous consent the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

(President in the Chair.)

#### Senate Bill 502 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 502 was ordered not printed.

#### Senate Bill 503 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 503 was ordered not printed.

#### Senate Bill 504 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 504 was ordered not printed.

(Senator Aikin in the Chair.)

#### House Bill 395 on Second Reading

Senator Spears asked unanimous consent to suspend the regular order of business and take up H. B. No. 395 for consideration at this time.

There was objection.

Senator Spears then moved to suspend the regular order of business and take up H. B. No. 395 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kennard
Bates	Krueger
Blanchard	Patman
Cole	Ratliff
Colson	Reagan
Crump	Richter
Hall	Rogers
Harrington	Schwartz
Herring	Spears
Kazen	Watson

Nays—9

Calhoun	Owen
Creighton	Parkhouse
Dies	Strong
Moffett	Word
Moore	

Absent

Hardeman	Hazlewood
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The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 395, A bill to be entitled "An Act providing that no state agency or political subdivision of the State of Texas or any individual, firm, association, partnership or corporation doing business in the State of Texas shall deny employment to any person or shall discharge from employment any person solely because of age, providing such person is between the ages of eighteen (18) and sixty-five (65); providing penalties; providing severability; and declaring an emergency."

The bill was read second time.

(Senator Krueger in the Chair.)

Senator Spears offered the following amendment to the bill:

Amend H. B. 395 by changing the period on line 39 of the printed bill to a semicolon, and adding the following after the semicolon:

"provided, however, nothing in this Act shall be construed to prevent the imposition of minimum and maximum age restrictions for law enforcement peace officers or for firefighters."

The amendment was read.

Question—Shall the amendment by Senator Spears to H. B. No. 395 be adopted?

(President in the Chair.)

#### Senate Bill 510 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 510, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in Limestone County, Texas; describing the manner of sale and disposition of proceeds; reserving to the State of Texas certain portions of the oil, gas and other minerals in and under said lands or that may be produced therefrom, together with all bonuses, rents or royalties derived therefrom; providing for the leasing of said minerals; and declaring an emergency."

To the Committee on State Affairs.

#### House Bill 688 Re-referred

On motion of Senator Moffett and by unanimous consent H. B. No. 688 was withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

#### Welcome Resolutions

S. R. No. 506—By Senator Ratliff: Extending welcome to students, teachers and sponsors of Sagerton High School.

S. R. No. 507—By Senator Herring: Extending welcome to students and teacher of Leander School of Williamson County.

S. R. No. 508—By Senator Krueger: Extending welcome to students and teachers of Brenham Elementary Schools.

S. R. No. 509—By Senator Kennard: Extending welcome to Mrs. Bill Haworth et al.

S. R. No. 510—By Senator Parkhouse: Extending welcome to Saint Cecile's School of Dallas County.

S. R. No. 512—By Senator Colson: Extending welcome to students and superintendent of Trinity High School of Trinity County.

S. R. No. 513—By Senator Word: Extending welcome to Kenneth Sparks of Cleburne.

#### Recess

On motion of Senator Dies the Senate at 4:01 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

#### SIXTY-SIXTH DAY

(Continued)

(Thursday, May 9, 1963)

#### After Recess

The Senate met at 9:30 o'clock a.m., and was called to order by Senator Hardeman.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 9, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1058, A bill to be entitled "An Act fixing the open season for killing wild quail in Atascosa County; fixing the number of quail that any person may kill or have in possession at any time; fixing a penalty for violation thereof; and declaring an emergency."

H. B. No. 138, A bill to be entitled "An Act amending Acts 54th Legislature, chapter 497, page 1243; Acts 55th Legislature, chapter 210, page 435, codified as Article 542c-7, V.A.C.S. of Texas; providing a severability clause; repealing all laws in conflict; and declaring an emergency."